

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUN 09 2006
at 1 o'clock and 04 P.M.
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WILLIAM KOTIS,

Plaintiff,

vs.

STATE OF HAWAII DEPT. OF
PUBLIC SAFETY, et. al.

Defendants.

CIVIL NO. 04-00167 SOM-KSC
(Consolidated)

LOCAL RULE 40.6 SCHEDULING
CONFLICT ADVICE; CERTIFICATE
OF SERVICE

Trial Date: June 20, 2006

LOCAL RULE 40.6 SCHEDULING CONFLICT ADVICE

Comes Now Defendant Cheryl Zimbeck by her attorney Deputy
Attorney General John M. Cregor, Jr. and pursuant to LR 40.6, advises the
Court of a Scheduling Conflict, as follows:

The undersigned attorney, John M. Cregor, Jr., is currently engaged in a trial on the Island of Maui, before the Honorable Joel E. August, (*Kahoohanohano v. Department of Human Services, State of Hawaii*) which began on May 8, 2006. We are only scheduled for two days of trial the week of June 12 (13) and it is virtually impossible that the trial will be completed at that time. Our next scheduled trial dates are the 19th through the 21st of June, which includes the dates scheduled for trial of the case here at bar. Although it is possible that we could complete the Maui trial during that week, the Judge has indicated that he will allow an as yet undetermined amount of time for the Court and Plaintiffs to consider an as yet to be filed HRCP 52c Motion for Judgment on Partial Findings and for the Plaintiff to have adequate time to respond. The Rule 52c Motion will be filed at the time Plaintiffs rest their case and in its current version exceeds 30 pages. Therefore at this time the undersigned cannot state with assurance that he will be engaged in that trial on the 20th and 21st of June; however, the likelihood certainly exists

The undersigned is also scheduled for a bench trial on Maui, on June 19, 2006, in a completely different case (*Roybal v. State of Hawaii*). The undersigned will also advise the trial judge in that case, the Honorable Shackley Raffetto, of this scheduling conflict.

Even if the undersigned's trial schedule for June 20 and 21 should clear, which is impossible to predict at this time, due to the unusually concentrated trial schedule, it is doubtful that the undersigned will have available sufficient time to prepare witnesses for the trial of the case at bar which might have the unfortunate result of prolonging trial of this case.

For all of the foregoing reasons, the undersigned requests that this Court consider this scheduling conflicts notice and continue the trial of this case to the week of July 10, 2006 or as soon thereafter as the Court finds convenient.

DATED: Honolulu, Hawaii, June 9, 2006.



JOHN M. CREGOR, JR.
Deputy Attorney General

Attorney for Defendant
CHERYL ZEMBIK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WILLIAM KOTIS,

Plaintiff,

vs.

STATE OF HAWAII DEPT. OF
PUBLIC SAFETY, et. al.

Defendants.

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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 9, 2006, a copy of the foregoing document was served on the following at his last known address via United States mail, postage prepaid as follows:

William Kotis #A0182281
CCA/Tallahatchie Correctional Center
295 US Highway 49 South
P. O. Box 388
Tutwiler, MS 38963

Plaintiff Pro Se

DATED: Honolulu, Hawaii, June 9, 2006.


JOHN M. CREGOR, JR.
Deputy Attorney General

Attorney for Defendant
CHERYL ZEMBIK